

FILED  
CLERK'S OFFICE  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

2004-12-06 P. 3:54  
DOCKET #04-11517 WGY

CLAIRE GAGNE,  
Plaintiff

V.

J.C. PENNEY COMPANY INC.,  
Defendant

AUTOMATIC DISCLOSURE OF PLAINTIFF,  
CLAIRE GAGNE, PURSUANT TO FED.R.CIV.P. 26(a)

The Plaintiff, Claire Gagne, makes the following initial disclosures pursuant to  
Fed. R. Civ.P. 26(a)(1)(A)-(D):

- A. The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information:

**RESPONSE:**

1. Gail Smith  
C/o J.C. Penney Company Inc.  
Home address: 40 Moon Road  
Lynn, MA

Ms. Smith witnessed the Plaintiff's accident.

2. Armand Gagne, 15 Heritage Drive, Apt. 31, Salem, MA

Mr. Gagne was nearby at the time of the accident, and assisted his wife thereafter. He has knowledge of her injuries and damages.

3. Steven Alpart, M.D., Puritan Medical Group, 331 Highland Avenue, Salem, MA 01970.

Dr. Alpert treated the Plaintiff immediately after the accident.

- B. A copy of, or description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

**RESPONSE:**

The Plaintiff objects to producing any document protected from discovery because it is subject to the attorney-client privilege or constitutes materials prepared by or for the plaintiff or its representatives, in anticipation of litigation or for trial and/or which would disclose the mental impressions, conclusions, opinions or legal theories of counsel.

Notwithstanding nor waiving the above objections, and expressly subject thereto, the Plaintiff has provided the Defendant with all of her medical records and bills and attaches copies of photographs of the scene of the accident taken at a later date. The plaintiff has not reproduced copies of documents provided to it from counsel for the defendant.

- C. A compilation of any category of damages claimed by the disclosing party.

**RESPONSE:**

MEDICAL EXPENSES

Stephen Alpert, M.D. Puritan Medical Group 331 Highland Avenue Salem, MA	1/3/03 & 1/30/03	\$ 160.00
Shaughnessy Kaplan Rehab. Hsp. Dove Avenue Salem, MA	1/15/03--2/19/03	\$ 756.00
N.S. Magnetic Imaging Center 68 Prospect Street Peabody, MA	2/5/03	\$ 750.00

MRI Radiologists of N.S. P.O. Box 430 Lynn, MA	2/5/03	\$ 263.00
Terence Doorly, M.D. N.S. Neurosurgical Assoc. 79 Highland Avenue, Suite 107 Salem, MA	3/4/03	\$ 80.00
Union Hospital 500 Lynnfield Street Lynn, MA	3/25/03--5/5/03	\$12,289.16
TOTAL MEDICAL EXPENSES:		\$14,298.16

Dated: December 3, 2004

For the Plaintiff  
Claire Gagne,  
By her attorneys,  
Law Offices of Eldon D. Goodhue, PC



Eldon D. Goodhue, Esq.  
B.B.O. #201520  
458 Newburyport Tpke. Suite 3  
Topsfield, MA 01983  
(978) 887-2000

CERTIFICATE OF SERVICE

I, Eldon D. Goodhue, do hereby certify that a true copy of the above document was served upon the attorney of record for the defendant by mail on December 3, 2004.



Eldon D. Goodhue, Esq.  
B.B.O. #201520  
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